

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
FILE NO. 5:23-CV-00306-M-RN

CHRISTIAN PROFFITT,

Plaintiff,

v.

NORTH CAROLINA DEPARTMENT OF  
PUBLIC SAFETY,

Defendant.

**APPENDIX TO MEMORANDUM  
OF LAW IN SUPPORT OF NCDPS'S  
MOTION TO DISMISS**

NOW COMES Defendant, North Carolina Department of Public Safety ("NCDPS"), by and through undersigned counsel, and respectfully submits this Appendix with exhibits in support of its Motion to Dismiss.

1. Exhibit 1: Declaration of Ashby T. Ray
  - A. Exhibit 1.A.: U.S. Postal Service Tracking Information as of October 19, 2023
2. Exhibit 2: Unpublished Opinion: *Allen v. City of Raleigh Police Department*, No. 5:21-CV-471-M, 2023 WL 2445412, \*4 (E.D.N.C. Jan. 9, 2023)
3. Exhibit 3: Unpublished Opinion: *Diede v. UNC Healthcare*, No. 5:16-CV-788-BR, 2018 WL 3448219, at \*1 (E.D.N.C. July 17, 2018)
4. Exhibit 4: Unpublished Opinion: *Fordham v. Doe*, No. 4:11-CV-32-D, 2011 WL 5024352, at \*3 (E.D.N.C. Oct. 20, 2011)
5. Exhibit 5: Unpublished Opinion: *Thomas v. Green Point Mortg. Funding*, No. 5:10-CV-365-D, 2011 WL 2457835, at \*1 (E.D.N.C. June 16, 2011)

This is the 22nd day of October, 2023.

**JOSHUA H. STEIN**  
**Attorney General**

/s/ James B. Trachtman  
James B. Trachtman  
Special Deputy Attorney General  
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**CERTIFICATE OF SERVICE**

I hereby certify that, on the above date, I electronically filed the foregoing **APPENDIX TO MEMORANDUM OF LAW IN SUPPORT OF NCDPS'S MOTION TO DISMISS ALL CLAIMS** with the Clerk of the Court utilizing the CM/ECF system and, on the date below, have caused to be served said document upon the Plaintiff, a non-CM/ECF participant via United States Mail, first-class, postage prepaid addressed as follows:

Christian Proffitt  
1533 Ellis Road  
B206  
Durham, NC 27703

This the 23rd day of October, 2023.

/s/ James B. Trachtman  
James B. Trachtman  
Special Deputy Attorney General